

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:

Solar Array Solutions, LLC

Debtor.

Case No. 18-33711

Chapter 7

Honorable Pamela S. Hollis

Set for November 1, 2019 at 10:00 a.m.

NOTICE OF MOTION

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that on November 1, 2019, at 10:00 a.m., I shall appear before the Honorable Pamela S. Hollis at Joliet City Hall, 150 West Jefferson Street, 2nd Floor, Joliet, Illinois, or, in her absence, before any other Judge who may be sitting in her stead, and shall then and there present Trustee's **Motion To Approve Compromise Of Controversy Pursuant To Federal Rule of Bankruptcy Procedure 9019, Sell Estate's Interest in Property and Limit Notice**, a copy of which is attached hereto and hereby served upon you.

Cindy M. Johnson, not individually but as Chapter 7 Trustee of **Solar Array Solutions, LLC**,

Cindy M. Johnson
Chapter 7 Trustee
140 S. Dearborn Street, Suite 1510
Chicago, Illinois 60603
(312) 345-1306

/s/ Cindy M. Johnson
Chapter 7 Trustee

CERTIFICATE OF SERVICE

I, Cindy M. Johnson, an attorney, certify that I served true and correct copies of the foregoing notice and document to which it refers to the persons listed on the attached service list via electronic service on those registered in the CM/ECF system and, for those not listed in the CM/ECF system, at the addresses listed, by placing them in envelopes, properly addressed, with proper postage prepaid, and depositing them in the United States Mail Chute at 140 S. Dearborn Street, Chicago, Illinois at or before 5:00 p.m. on October 11, 2019.

/s/ Cindy M. Johnson

SERVICE LIST

Electronic Mail Notice List

- Christina Banyon cbanyon.law@gmail.com
- Cindy M. Johnson cmjtrustee@jnlegal.net, cjohnson@ecf.axiosfs.com
- Patrick S Layng USTPRegion11.ES.ECF@usdoj.gov
- David M Siegel davidsiegelbk@gmail.com,
R41057@notify.bestcase.com;johnellmannlaw@gmail.com

Manual Notice List

US Mail

Solar Array Solutions, Llc
C/O SHANE NOLAN
14060 S. COKES ROAD
HOMER GLEN, IL 60491

Alan D Lasko
Alan D Lasko & Associates, PC
29 S LaSalle Street
Chicago, IL 60603

Thomas Mowery
508 W Brittany Dr
Arlington Heights, IL 60004

AEROTEK INC
7317 Parkway Drive
Hanover, MD 21076

United Rentals (North America), Inc.
Mark A. Kirkorsky, P.C.
P.O. Box 25287
Tempe, AZ 85285

Ziegler Inc.
Teller, Levit & Silvertrust, P.C.
19 S LaSalle St.
Ste 701
Chicago IL 60603

Vermont Employment Agency
Kuhn Rath Danon Lynch & Schart
PO Box 340
Hinesburg, VT 05461

H-S International, LLC
c/o Lichtman Eisen Partners, Ltd
134 N LaSalle St., Suite 750
Chicago, IL 60602

Bullrock Corporation
145 Pine Haven Shores Rd
Suite 1150
Shelburne, VT 05482

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:

Solar Array Solutions, Llc

Debtor.

Case No. 18-33711

Chapter 7

Honorable Pamela S. Hollis

Set for November 1, 2019 at 10:00 a.m.

**TRUSTEE'S MOTION TO APPROVE COMPROMISE OF CONTROVERSY
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE, SELL
ESTATES INTEREST IN PROPERTY AND TO LIMIT NOTICE**

Cindy M. Johnson, not individually, but as Trustee of the bankruptcy estate of **Solar Array Solutions, Llc** submits her Motion to Approve Compromise of Controversy Pursuant to Federal Rule of Bankruptcy Procedure 9019, Sell Estate's Interest in Property and to Limit Notice (the "Motion"), and states:

1. Cindy M. Johnson is the Chapter 7 Trustee (the "Trustee") of the above captioned bankruptcy case filed **Solar Array Solutions, LLC** (hereafter "Debtor") on December 5, 2018.

2. Cindy M. Johnson is the Chapter 7 Trustee (the "Trustee").

3. Based upon the testimony of Debtor's principal at the 341 meeting of creditors the schedules on file and additional documentation provided to the Trustee, the Trustee determined that a certain 2016 MTI Trailer ("Trailer") was an asset of the Bankruptcy Estate.

4. Debtor purchased the Trailer in 2016 for \$3,372.22.

5. Trustee determined thorough an online search of trailers like Trailer that the current value would be between \$2000.00 and \$2500.00.

6. The Trailer is located at Bullrock Corporation in Shelburne, Vermont.

7. Bullrock Corporation is a Creditor of Debtor designated as Claim number 6 filed on May 13, 2019.

8. Bullrock Corporation has offered to purchase Trailer for \$1000.00 payment of which would be made by reducing their claim by \$1000.00.

9. In order to avoid further delay, uncertainty, inconvenience, and expense of having to transport the Trailer back to Illinois and/or hiring a broker to sell the Trailer, Trustee has accepted Bullrock Corporation's offer subject to court approval

10. Trustee believes that the settlement is in the best interest of creditors as it will avoid the costs of sale and recovery of the Trailer and otherwise meets the criteria of Bankruptcy Rule 9019.

11. When considering a motion under Fed. R. Bank. Pro. 9019, a court examines: (1) the probability of success in the litigation; (2) the difficulties, if any, to be encountered in the matter of collection; (3) the complexity of the litigation involved, and the expense and inconvenience in delay necessarily attending it; and (4) the paramount interest of the creditors and a proper deference to their reasonable views. *In re Del Grosso*, 106 B.R. 165, 168 (Bankr. N.D. Ill. 1989).

12. The benchmark for determining the propriety of a bankruptcy settlement is whether the settlement is in the best interests of the bankruptcy estate which only requires that the proposed settlement surpass "the lowest point in the range of reasonableness." *In re Artra Group, Inc.* 300 B.R. 699, 702 (Bankr. N.D.Ill 2003).

13. This court's analysis is consistent with that applied by other courts. See *In re Media Cent., Inc.*, 190 B.R. 316 (E.D. Tenn. 1994); *Nellis v. Shugrue*, 165 B.R. 115 (S.D.N.Y. 1994); *In re Lawrence & Erausquin, Inc.*, 124 B.R. 37 (Bankr. N. D. Ohio 1990) *In re*

Bowman, 181 B.R. 836 (Bankr. D. Md. 1995). *In re Drexel Burnham Lambert Group, Inc.*, 138 B.R. 723 (Bankr. S.D.N.Y. 1992).

14. The settlement in this case is in the best interest of the creditors and the estate because it will permit the Chapter 7 trustee to administer and close this case much more quickly than if she were to hire an auctioneer to obtain possession and sell Trailer on her behalf. Further, the saving of administrative expenses is a valid consideration for any Trustee. Accordingly, Trustee asks the Court to approve the settlement pursuant to Federal Rule of Bankruptcy Procedure 9019.

15. Trustee has provided 21 days' notice of this Motion to Debtor, Debtor's attorney, all parties entitled to notice who are listed on the CM/ECF service list and all creditors who have filed claims (as the bar date has passed) pursuant to Rules 2002 and 9019 of the Federal Rules of Bankruptcy Procedure.

16. Since in this Chapter 7 case, more than 90 days has passed since the first date set for the meeting of creditors, this Court has authority to allow notice of this motion to be sent only to the debtor(s), the United States Trustee, to other parties in interest, and to only creditors who have filed claims in this case (there being no creditors who have the right to an extension to file claims). See, Rule 2002(h) of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, Cindy M. Johnson, trustee, respectfully requests that this Court enter an Order:

- a) approving this compromise;
- b) authorizing under Rule 2002(h) of the Federal Rules of Bankruptcy Procedure that notice of this motion need only to have been sent to debtor(s), the United States Trustee, to other parties in interest, and to only creditors who have filed claims in this case, and finding that the notice that has been sent is, therefore, sufficient;
and
- c) granting such other and further relief as this Court may deem just and equitable.

Respectfully submitted,

Cindy M. Johnson, not individually but as
Chapter 7 Trustee of **Solar Array Solutions,
LLC**,

Cindy M. Johnson
Chapter 7 Trustee
140 S. Dearborn Street, Suite 1510
Chicago, Illinois 60603
(312) 345-1306

/s/ Cindy M. Johnson
Chapter 7 Trustee